

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

*

Appellee,

*

v.

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Appeal No. 22-4368

SYDNI FRAZIER,

*

Appellant.

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MOTION FOR EXTENSION OF TIME

The United States of America submits under Fed. R. App. P. 26(b) this Consent Motion for Extension of Time. The Government seeks a 21-day extension to complete its response brief. In support of this motion, the Government states the following:

1. Appellant Sydni Frazier was charged with (1) a drug trafficking conspiracy in violation of 21 U.S.C. § 846, (2) possessing a firearm in furtherance of a drug trafficking crime resulting in death in violation of 18 U.S.C. § 924(j), (3) possessing a firearm and ammunition as a prohibited person in violation of 18 U.S.C. § 922(g)(1), and (4) possessing with intent to distribute heroin and fentanyl in violation of 21 U.S.C. § 841(a)(1). A jury convicted Frazier of the offenses.

2. Frazier noted an appeal and filed his opening brief on May 11, 2023. The Government's response brief is due August 16, 2023.

3. The Government respectfully requests an extension until September 6, 2023. The undersigned is working diligently to complete the response brief, but the case is substantial and requires more time. Frazier was charged with an offense resulting in death, and his conviction followed a 6-day jury trial. In addition, on appeal, Frazier challenges various suppression rulings. This has resulted in a sizeable procedural history and record. The undersigned was not the prosecutor who handled the motions or trial; he has familiarized himself with the case and the issues as quickly as possible. The undersigned is also handling the appeal of Frazier's co-defendants (who were convicted after a separate trial), which also includes significant charges and an extensive record.

4. The Government's brief is now substantially completed, but the undersigned is working on both appeals at the same time and is working to complete both response briefs as diligently as possible.

5. The requested time also considers the time necessary for the Government's brief to be reviewed by the Office's appellate unit before filing, which will likely require more time than usual given the extensive record and issues raised in both appeals.

6. To underscore how large the record is, the Government notes that Frazier received at least 6 extensions to file his opening brief.

7. The Government consulted with Frazier's appellate counsel, who consents to this extension.

Accordingly, the Government respectfully requests a 21-day extension until September 6, 2023.

Respectfully submitted,

Erek L. Barron
United States Attorney

/s/
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Assistant United States Attorney
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CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2023, I electronically served a copy of the foregoing motion to all counsel of record via CM/ECF.

/s/
Brandon Moore
Assistant United States Attorney